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In re PATENT APPLICATION of
Inventor(s) Kamran Amjadi
Appln. No. 09/251,480

Atty. Dkt. 031792-0311576

TITLE: Incentive Network

Date: JANUARY 6, 2006

Name or type of signed papers being
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- (1) Pre Appeal Brief Request for Review
- (2) Notice of Appeal

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Application No. 09/251,480
Attorney Docket No. 031792-0311576

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 3291

AMJADI

Application No.: 09/251,480

Group Art Unit: 2151

Filed: February 17, 1999

Examiner: Dinh, Khanh Q

Title: INCENTIVE NETWORK

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the Final Office Action mailed October 6, 2005, Applicant requests review of the final rejection in the above-identified application. This request is being concurrently filed with a Notice of Appeal. The review is requested for the reasons provided in the Remarks beginning below. A total of 5 pages are provided.

No additional fees are believed necessary. If any extensions of time are necessary to prevent abandonment, they are hereby petitioned for under 37 C.F.R. § 1.136(a). If any fees are required for any purpose, authorization to charge our Deposit Account No. 033975 (*Ref. No. 031792-0311576*) is hereby granted.

Remarks

One aspect of the invention relates to an incentive host server that receives requests by users (e.g., request to electronically distribute coupons) via one of a number of network servers that are in communication with the incentive host server. Each user device can have a first identifier and each network/server can have a second identifier (e.g., a NID). Each request received by the incentive host server can include a first ID and/or the NID. This enables, among other things, the ability to target/filter coupons based on: i) the user/device

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information; and ii) from which network the request is made. For example, certain coupons may be available to users of a first network and others may be available to users of a second network.

Scroggie is irrelevant to this invention. It has nothing to do with requesting coupons through different networks associating a NID with a request, or targeting coupons based on a NID. As such, the 102 rejection is wholly inappropriate.

With respect to Claims 1-36, 39-41, 44-50 and 52-59, the 35 U.S.C. §102(e) rejection over Scroggie et al., U.S. Patent 5,970,469 ("Scroggie") is legally flawed. The Examiner has failed to show that Scroggie teaches each and every claim feature as required in an anticipation rejection under 35 U.S.C. §102(e). Scroggie fails to disclose at least the following claim features of claim 1: "the computer network comprising at least *one incentive host server and at least two network servers* for providing a user with access to incentives from the incentive host server...receiving, at a network server, an access request from a client device associated with the user...*transmitting a first identifier and a network server identifier (NID)* corresponding to the access request to the incentive host server...*determining at the incentive host server available incentives using at least the first identifier and the NID, wherein the NID is used to identify available incentives* in an incentive server database associated with the NID." Similar claim features are recited in independent claims 8, 11, 18, 21, 34, 39, 44, 48, 52, 53, 54, and 57.

1. Scroggie fails to disclose "one incentive host server and at least two network servers"

The Examiner erroneously alleges that the claimed "one incentive host server and at least two network servers" correspond to Scroggie's in-store kiosk 310, incentive distributor 300, and POS checkout scanner 312, respectively. See Final Office Action pg. 3 lines 1-2. At least the checkout scanner 312 is not even a network server. Nor does it receive an "access request" from a client device associated with the user. See Scroggie at col. 11 lines 57-62.

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2. Scroggie fails to disclose "transmitting a first identifier and network server identifier (NID) corresponding to the access request to the incentive host server."

The Examiner further erroneously alleges that Scroggie teaches transmitting a first identifier and a network server identifier (NID). The Examiner erroneously alleges the NID is the consumer ID. See Final Office Action at pg. 3 line 4-5. This is wrong and misses an important aspect of the invention. One reason to assign a NID to each of a number of network servers is to enable targeting/filtering depending on which network a request is received from. No such distinction or purpose is disclosed in Scroggie. This NID-based targeting is in addition to user/device targeting which relies on the first ID that comes from the user/device. Since Scroggie does not even disclose the NIDs as claimed, Scroggie further does not disclose *transmitting a first identifier and a NID to a host server*, as claimed.

The Examiner also alleges that the in-store kiosk 310 receives purchase incentive information including a unique customer id (allegedly the first identifier) corresponding to the access request and that a hyperlink (allegedly the NID) is used for transmitting incentive data to an in-store server in the supermarket selected by the users. See Final Office Action pg. 12 lines 1-6. This mischaracterizes Scroggie and is inconsistent with respect to what the Examiner first alleges the NID to be in Scroggie.

The hyperlink is not a NID, as claimed. The hyperlink, as admitted by the Examiner, relates to links to separate sites that contain information regarding available items or offers while generating a final shopping list. It is not used to identify the network through which a request for coupons (or other incentives) is made to an incentive host server.

The Examiner inconsistently alleges at times that the NID is the customer ID (see Final Office action at pg. 3 lines 4-5), and at other times, it is the hyperlink (see Final Office Action at pg. 12 lines 4-7). Regardless, neither the customer ID nor the hyperlink in

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Scroggie constitute a NID, nor does Scroggie transmit to a host server a first identifier and a NID corresponding to an access request.

3. Scroggie fails to disclose "determining at the incentive host server available incentives using at least the first identifier and the NID, wherein the NID is used to identify available incentives in an incentive server database associated with the NID."

The Examiner erroneously alleges that Scroggie discloses using a NID to identify available incentives. The Examiner alleges that purchase incentive data that is sent to the in-store kiosk 310 by server 300 to process purchases and the determination of focused incentives based on user's purchase history discloses this. It does not. Nowhere does Scroggie disclose using a NID to identify available incentives or determining incentives associated with the NID.

As such, there is no determining of available incentives using the first identifier *and the NID*. Furthermore, in Scroggie no NID is used. At most, Scroggie discloses using a customer's id linking to a purchase history that is then used to identify focused incentives. This falls short of meeting the claim recitations.

Scroggie fails to disclose, at least, "determining at the incentive host server available incentives using at least the first identifier *and the NID, wherein the NID is used to identify available incentives* in an incentive server database associated with the NID" as recited in claim 1.

Because Scroggie fails to disclose at least of the features described above, claim 1 is not anticipated by Scroggie. Independent claims 8, 11, 18, 21, 34, 39, 44, 48, 52-54, and 57 recite features similar to one or more of the features described above in reference to claim 1. As such, these independent claims are not anticipated by Scroggie for at least the reasons described above. Furthermore, dependent claims 2-7, 9, 10, 12-17, 19, 20, 22-33, 35, 36 40, 41 45-47, 49, 50, and 56 depend from and add features to one of the independent claims. As such, these dependent claims are not anticipated by Scroggie for at least this reason.

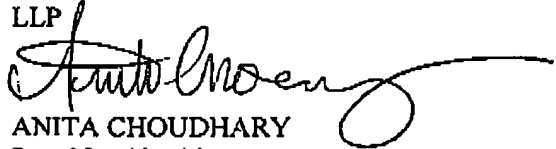
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Gardenswartz does not overcome the deficiencies of Scroggie described above. Thus, the combination of Scroggie and Gardenswartz fail to teach or suggest every feature of dependent claims 37, 28, 42, 43, and 51. As such, these dependent claims are patentable over Scroggie in view of Gardenswartz.

Claims 52-59 further recite transmitting a unique ID to the client device in connection with a registration process. Scroggie does not disclose this, nor does Scroggie disclose using a UID (as claimed) to determine available incentives based on the UID and NID.

If, for any reason, a personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN
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